

1 Annette W. Jarvis, Utah Bar No. 1649  
 2 RAY QUINNEY & NEBEKER P.C.  
 3 36 South State Street, Suite 1400  
 4 P.O. Box 45385  
 5 Salt Lake City, Utah 84145-0385  
 6 Telephone: (801) 532-1500  
 7 Facsimile: (801) 532-7543  
 8 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

9 and

10 Lenard E. Schwartzer, Nevada Bar No. 0399  
 11 Jeanette E. McPherson, Nevada Bar No. 5423  
 12 SCHWARTZER & MCPHERSON LAW FIRM  
 13 2850 South Jones Boulevard, Suite 1  
 14 Las Vegas, Nevada 89146-5308  
 15 Telephone: (702) 228-7590  
 16 Facsimile: (702) 892-0122  
 17 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)

18 Attorneys for Debtors and Debtors-in-Possession

19 **UNITED STATES BANKRUPTCY COURT**

20 **DISTRICT OF NEVADA**

21 In re: USA COMMERCIAL MORTGAGE COMPANY,	Debtor.	22 Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
23 In re: USA CAPITAL REALTY ADVISORS, LLC,	Debtor.	24 Chapter 11
25 In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	Debtor.	26 Jointly Administered Under Case No. BK-S-06-10725 LBR
27 In re: USA CAPITAL FIRST TRUST DEED FUND, LLC,	Debtor.	28
29 In re: USA SECURITIES, LLC,	Debtor.	
30 Affects: <input checked="" type="checkbox"/> All Debtors <input type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA Capital First Trust Deed Fund, LLC <input type="checkbox"/> USA Securities, LLC		<b>NOTICE OF SCHEDULE OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES IN CONNECTION WITH DEBTORS' THIRD AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION</b>

1 USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty  
2 Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust  
3 Deed Fund, LLC (collectively, the “Debtors”), by and through their counsel, hereby file the  
4 attached Schedule of Executory Contracts and Unexpired Leases (the “Schedule”) in connection  
5 with the Debtors’ Third Amended Joint Chapter 11 Plan of Reorganization (the “Plan”). The  
6 Schedule is described in Article V, Section A of the Plan, and the filing of the Schedule is  
7 referenced in Article I, Section D of the Plan.

8 As provided for in Art. V, Section A of the Plan, up to and until one (1) day prior to the  
9 Confirmation Hearing, the Debtors may delete any contract or lease from the Schedule by filing an  
10 amended Schedule and serving that amended Schedule on the affected non-Debtor party to the  
11 contract or lease.

12        Inclusion on the Schedule does not constitute and shall not be construed as an admission  
13 by the Debtors that such contract or lease is in fact “executory” under 11 U.S.C. § 365.  
14 Furthermore, the Loan Servicing Agreements are not listed on the Schedule because, as more fully  
15 explained in Article IX, Section D(4) of the Disclosure Statement, the Debtors and Committees  
16 believe the Loan Servicing Agreements are not executory contracts.

17 ||| Respectfully submitted this 29<sup>th</sup> day of November, 2006.

/s/ Lenard E. Schwartzer

Annette W. Jarvis, Utah Bar No. 1649  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385

and

Lenard E. Schwartzer, Nevada Bar No. 0399  
Jeanette E. McPherson, Nevada Bar No. 5423  
SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146  
Attorneys for Debtors & Debtors In Possession

**Schedule of Executory Contracts and Unexpired Leases**

(Contracts and Leases to be assumed pursuant to Art. V, Section A of the Debtors' Third Amended Joint Chapter 11 Plan of Reorganization)

Type	Name	Address	Cure Amount					
Service Agreement	A-1 Security	917 South First Street	Las Vegas	NV	89101	\$	8,346.15	
Service Agreement	Sprint PCS	PO Box 8077	Acct 0524101157-4	London	KY	40742	\$	1,785.33
Insurance Agreement	Zurich Group-Phoenix	P.O. Box 10197		Jacksonville	FL	32247	\$	-
Insurance Agreement	Theodore Liftman insurance, Inc.	101 Federal Street	22nd Floor	Boston	MA	02110	\$	-
Insurance Agreement	Hartford Casualty Insurance Company	Hartford Plaza		Hartford	CT	06115	\$	-
Insurance Agreement	Illinois Union Insurance Company	1133 Avenue of the Americas, 38th Floor	Westchester Specialty Claims	New York	NY	10036	\$	-
Insurance Agreement	The Hartford	3600 Wiseman Blvd.		San Antonio	TX	78251	\$	-
Insurance Agreement	The Hartford	3600 Wiseman Blvd.		San Antonio	TX	78251	\$	-
Insurance Agreement	Lloyds of London Underwriters	13-15 Folgate Street	FirstCity Partnership Limited	London	E1 6BX	\$	-	
Insurance Agreement	Zurich American Insurance Company	P.O. Box 10197	Zurich Group-Phoenix	Jacksonville	FL	32247	\$	-
Insurance Agreement	Lincoln Benefit Life Company	On Lincoln Benefit Drive		Lincoln	NE	68506	\$	735.14
Insurance Agreement	Lincoln Benefit Life Company	On Lincoln Benefit Drive		Lincoln	NE	68506	\$	-
Insurance Agreement	West Coast Life Insurance Company	P.O. Box 193892		San Francisco	CA	94119	\$	24,020.00
Insurance Agreement	First Colony Life Insurance	P.O. Box 1280		Lynchburg	VA	24505	\$	-
Insurance Agreement	First Colony Life Insurance	P.O. Box 1280		Lynchburg	VA	24505	\$	-
Insurance Agreement	Principal Life Insurance Company	Principal Life Insurance Company		Des Moines	IA	50392	\$	-
Insurance Agreement	Houston Casualty Company	13403 Northwest Freeway		Houston	TX	77040	\$	-
Lease	Storage West	2700 East Flamingo Road		Las Vegas	NV	89121	\$	-
Pledge Agreement	M. P. Tanamera, LLC	4775 Caughlin Parkway, Suite A		Reno	NV	89509	\$	-
Pledge Agreement	M. P. Tanamera, LLC	4775 Caughlin Parkway, Suite A		Reno	NV	89509	\$	-
Pledge Agreement	M. P. Tanamera, LLC	4775 Caughlin Parkway, Suite A		Reno	NV	89509	\$	-
Insurance Agreement	Swett& Crawford	515 South Figueroa Street	Suite 600	Los Angeles	CA	90071	\$	-
Service Agreement	Switch ACG	PO Box 42250		Las Vegas	NV	89116	\$	-
Consulting Agreement	Special Order Systems, Inc.	575 Menlo Drive	Suite 4	Rocklin	CA	95765	\$	18,210.81
Consulting Agreement	Special Order Systems, Inc.	575 Menlo Drive	Suite 4	Rocklin	CA	95765	\$	-
Service Agreement	Cox Communications Las Vegas, Inc.	121 S. Martin Luthor King		Las Vegas	NV	89106	\$	455.21
Purchase Agreement	American Premiere, Inc.	235 W. Brooks Avenue	2nd Floor	North Las Vegas	NV	89030	\$	-
Office Lease Partnership	Pecos Professional Park Limited	c/o Jeffrey R. Sylvester, Esq. Sylvester & Polendnak	7371 Prairie Falcon #120	Las Vegas	NV	89128	\$	166,788.42
Office Lease	Haspinov, LLC a Nevada limited liability company	c/o Jeffrey R. Sylvester, Esq. Sylvester & Polendnak	7371 Prairie Falcon #120	Las Vegas	NV	89128	\$	92,331.08
Insurance Agreement	Theodore Liftman Insurance, Inc.	101 Federal Street		Boston	MA	02110	\$	-